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Letter dated 10 March 2004 from the Permanent Representative of Sierra Leone to the United Nations addressed to the President of the Security Council

I have the honour to forward herewith the text of the statement made by Alhaji Ahmad Tejan Kabbah, President of Sierra Leone, at the official opening of the courthouse of the Special Court for Sierra Leone, held in Freetown today, 10 March 2004 (see annex).

I should be grateful if you could arrange for the text of the statement to be circulated as a document of the Security Council.

(*Signed*) Joe R. **Pemagbi**
Ambassador
Permanent Representative

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Annex to the letter dated 10 March 2004 from the Permanent Representative of Sierra Leone to the United Nations addressed to the President of the Security Council

Statement by Alhaji Ahmad Tejan Kabbah, President of Sierra Leone, at the formal opening of the courthouse of the Special Court for Sierra Leone

Freetown, 10 March 2004

Throughout its history, Sierra Leone has scored a number of "firsts" in West Africa, in the rest of the continent and even in the world. These range from the establishment of the first institution of higher education in Africa south of the Sahara, and the first wired public broadcasting service in West Africa, to the issuance of the first free-form self-adhesive postage stamp in the world, and having produced the first African to receive the prestigious accolade of knighthood in what was once the British Empire.

Now, Sierra Leone is scoring another "first". It is making history in international humanitarian law, specifically in the area of transitional justice. It has become the first country to establish an independent mixed court to bring to justice persons responsible for serious violations of international humanitarian law and national criminal law. And not only that, the seat of the mixed court is within the territory of the country where the alleged crimes were committed. No wonder it is called a Special Court. The formal opening of these premises could also be described as a special occasion. I am therefore grateful to you, Mr. Justice Robertson, President of the Court, for the invitation to be present in this ceremony as the guest of honour, and to formally open the courthouse.

While we take pride in the establishment of this unique institution, and while we applaud the quality of cooperation between the Government of Sierra Leone and the United Nations, we cannot help but recall with deep sorrow the extraordinary circumstances that prodded us to pursue this uncharted course in the administration of justice. Never in the history of this country and of West Africa have we experienced horrendous brutality against innocent civilians on such a scale. Those acts tarnished the image of Sierra Leone, a small but peaceful, friendly and enlightened nation.

This notwithstanding, and long before the United Nations Security Council adopted resolutions stressing the need to talk to the rebels and try to end the war peacefully, and long before the international community became involved in the decision to negotiate with those who had committed heinous acts of brutality and terrorism against our people, my Government had already initiated a series of dialogues with the leader of the rebel movement. We concluded two peace agreements with them, gave him and other members of the movement cabinet and high-ranking positions. We went further, to grant them the most profound and generous consideration one could imagine, namely amnesty.

It is relevant on this occasion to recall the judicial and political risks that we took five years ago when we allowed the rebel leader, Corporal Foday Sankoh, to leave this jurisdiction so that he could travel to Lomé for peace talks, even though he had been convicted, sentenced and was waiting to have his conviction reviewed

by the Sierra Leone Court of Appeal. It was an unprecedented decision, one that apparently escaped the attention of the international community, including the international media. The people of Sierra Leone were apprehensive that Foday Sankoh would never return to Sierra Leone to face justice. However, yearning for peace, our people gave me their overwhelming support, and Foday Sankoh, the convicted man, travelled out of this jurisdiction.

We all know what happened after Lomé. How can anyone forget the events of May 2000, less than a year after the Lomé Peace Agreement, when impunity raised its vicious head once again on an already traumatized population?

What happened in Sierra Leone was not a mere internal issue. It was a matter of concern to people everywhere, to humanity. I addressed the United Nations Secretary-General, Kofi Annan, in my historic letter to him of 12 June 2000, in the following terms:

> "I believe that crimes of the magnitude committed by the RUF in this country are of concern to all persons in the world, as they greatly diminish respect for international law and for the most basic human rights. It is my hope that the United Nations and the international community can assist the people of Sierra Leone in bringing to justice those responsible for those grave crimes."

So, this is a Special Court for Sierra Leone, a symbol of the rule of law and an essential element in the pursuit of peace, justice and national reconciliation for the people of Sierra Leone. It is also a Special Court for the international community, a symbol of the rule of international law. It will certainly contribute to the jurisprudence of international humanitarian law, and enhance the promotion and protection of the fundamental rights of people everywhere.

Without the cooperation of the United Nations, the international community and the Government and people of Sierra Leone, there would have been no Special Court. This is why I should take this opportunity to express sincere thanks, first to the Secretary-General of the United Nations. He responded expeditiously to my request, and the Security Council gave him only 30 days to come up with a plan based on my proposal for the creation of an independent special court.

At this point, I should recognize and pay tribute to Hans Corell, who as Legal Counsel and Under-Secretary-General for Legal Affairs made a distinctive contribution to the establishment of the Special Court. We are delighted that you can join us today for the ceremony, which incidentally, coincides with the end of your service to the United Nations. When you look back on your days at the United Nations you will recognize the establishment of this Court as one of your main achievements.

Our thanks also go to the States and organizations that have made financial and other contributions to the Court, and to members of the Management Committee for their support and oversight function. I am delighted to see their representatives present at this ceremony.

Let no one underestimate the formidable task and challenge that this "hybrid" institution faces and will continue to face in its lifetime. The entire world, especially the people of Sierra Leone, would be watching its proceedings, carefully. The Court must see that justice is done. It must also, as far as possible, by its proceedings and judgements, dispel any notion that it is a political tool of a particular government or

group of States. This is crucial to its success because of perceptions and misperceptions about the so-called "thin line" between politics and the administration of justice on the one hand, and international politics and international law on the other.

On the issue of its independence and credibility the Security Council, in its resolution 1315 (2000) of 14 August 2000, correctly emphasized the importance of ensuring the impartiality, independence and credibility of the judicial process of the Special Court, in particular with regard to the status of the judges and the prosecutors.

In this connection, I would like to assure you, Mr. President, that we have absolute confidence in the competence and integrity of all those who have been appointed to serve in the Chambers and Registry of the Court. I would also like to commend you for the effective sensitization programme that is being conducted throughout the country. The programme is a necessary acknowledgement of the fact that (a) this particular mechanism of accountability is new to the people of Sierra Leone, and (b) it has emerged almost concurrently with the proceedings of a different type of transitional justice, namely the Truth and Reconciliation Commission.

I would strongly recommend that the Court continue, and even strengthen, the sensitization or public information programme. We note with interest recent improvements in accessibility to information on the Court's Internet web site. Further improvements would ensure that the Court's external constituencies are also kept fully and reliably informed about the activities of this new institution in international humanitarian and human rights law.

Mr. President of the Special Court, I would like to reassure you that the Government of Sierra Leone is fully committed to the success of this Court, and will continue to cooperate with its organs at all stages of the proceedings, in accordance with article 17 of its statute. Such cooperation is in the interest of the people of this country, in particular the victims of the atrocious crimes that the Court has been empowered to prosecute.

I would like to commend the architects who designed this impressive structure, and the builders, workers and all those who in one way or another were recruited to lend a hand so to speak in the construction of the building within such a short time. The fact that the proceedings of the Special Court will be conducted in a spacious and relatively comfortable working environment should enhance its overall efficiency.

At the end of its mandate the Special Court will leave a legacy in the annals of the administration of justice in Sierra Leone and in the international community. It will also bequeath to the people of Sierra Leone a citadel of justice in the form of this beautiful courthouse.

I have the honour to formally declare open the new home of the Special Court for Sierra Leone.